IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

RPFC.No. 201 of 2005()

MC.343/2005 of FAMILY COURT, MANJERI.
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REVISION PETITIONER.

KALADAN M UDAYAKUMAR, S/O.SREEDHARAN, KATTILAPPARAMBIL HOUSE, ARIYALLUR AMSOM AND DESOM, MALAPPURAM DISTRICT, WORKING AT BHARAT HEAVY ELECTRICALS LIMITED, B.A.P. RANNIPET, TAMILNADU 632 406.

BY ADV. SRI.MANJERI SUNDER RAJ
SRI.B.PREMNATH (E)

RESPONDENTS:
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1. POTTAYIL RADHA, D/O.RAMAKRISHNAN, THAYYILTHODI HOUSE, CHETTIPPADI, PARAPPANANGADI, TIRURANGADI TALUK, MALAPPURAM.

2. SOUMYA, (MINOR).

3. SARATH (MINOR), MINORS 2ND AND 3RD RESPONDENTS REP. BY THE GUARDIAN MOTHER POTTAYIL RADHA, THAYYILTHODI HOUSE, CHETTIPPADI, PARAPPANANGADI, TIRURANGADI TALUK, MALAPPURAM.

4. STATE OF KERALA, REPRESENTED BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.BABU S. NAIR
SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.A. NO. 21628/2005 IN RP(FC) NO. 201/2005

DISMISSED

30.03.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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R.P(FC.) NO. 201 OF 2005

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Dated this the 30th day of March 2007

O R D E R

The revision petitioner is the respondent in M.C. 343/2005, application filed under section 125 Cr.P.C as per which he has ordered to pay maintenance at the rate of Rs.1,500/- to the 1st petitioner and at the rate of Rs.1,000/- to the petitioners 2 and 3. It is submitted that revision petitioner was exparte in the proceedings before the court below. The revision petitioner submitted that he is employed in Chennai and hence he could not be presented in the court on the posting date.

2. In the circumstances, the order of the court below is set aside on condition that the amount of maintenance up-to-date at the rate of Rs.2,000/- per month as per the order as well as a cost of Rs.5,000/- is deposited before the court below within one month from today onwards. On compliance of the above condition, the court below shall permit the parties to adduce any

further evidence if they so desire and dispose of the matter on merits. The parties shall appear before Family Court, Manjei on **02.05.2007.**

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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